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Department of  
Agriculture

Food and  
Nutrition  
Service

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Plains  
Region

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Reply to  
Attn. of: CCFP-124

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Subject: Policy Clarification on Adult Day Care Provisions - Center Eligibility

To: STATE AGENCY DIRECTORS  
(Special Nutrition Programs) - Colorado DH, Iowa, Kansas, Missouri DH,  
Montana DHES, Nebraska ED, North Dakota,  
South Dakota, Utah and Wyoming

This memorandum clarifies policy on the eligibility of adult day care centers for CCFP.

Licensing/Approval

Program legislation requires that eligible adult day care centers be licensed or "approved" by Federal, State or local authorities. "Approval" is granted by a State or local authority when an adult day care center meets written standards or criteria which assure that the individuals are receiving care in a center which has been determined by authorized State or local officials to provide a safe and healthful environment. These standards may include requirements for staffing and available services, as well as such standards as fire safety and building layout and maintenance requirements. "Approval" is an imprecise term and our policy memorandum of February 1, 1989 suggested that each State agency be guided by previous experiences and existing practices for determining approval for child care centers. We realize that there will be some disparity from State to State in the type of facility that is determined eligible for the program. However, the licensing/approval provision is only the first step toward program participation. Once that determination has been made, the additional standards required by law and regulation (that the center serve functionally impaired adults, that the center provide a structured, comprehensive program of health, social and related support services, and that the center develop and maintain an individual plan of care for every participant) will ensure that only those meeting legislative and regulatory requirements participate.

The simple presence of public funding, State or Federal, in adult day care center does not constitute "approval." Receipt of State or Federal funds may constitute "approval" only when standards are established to ensure a safe and healthful environment for center enrollees and a duly constituted authority determines that, in order to receive the funds, these standards must be met. For example, discussions with the Social Security Administration on the Medicaid (Grants to States for Medical Assistance) Program authorized by Title XIX of the Social Security Act reveal that all

facilities receiving funds under the Medicaid Program are required to meet standards developed by State agencies which ensure the health and well-being of the individuals enrolled in the facility. These standards are subject to review and approval by the Social Security Administration. In this case, written standards for approval for receipt of benefits are developed by the State and the State is required to review each center for compliance with these standards. Therefore, receipt of Title XIX benefits by a facility is indicative of State approval for purposes of CCFP participation.

Operation of a center by a State is tantamount to State "approval." However, the center must clearly be a State facility, funded by the State and operated by State employees. This may be confirmed by a written assurance by a State official that the center is a State facility.

#### Service Provided by Eligible Center

The preamble to implementing regulations for the adult day care provisions of CCFP states that the Department "... considers organizations such as sheltered workshops to be ineligible, even though they may enroll functionally impaired persons. Their overriding purpose is to provide employment and developmental opportunities and not the type of care envisioned in the law." It is clear from the conference report, as well as from other statements of support offered by Members of Congress which accompanied the Older American's Act (OAA) Amendments of 1987, that the Congress envisioned facilities eligible for CCFP participation to be those defined as adult day care centers by the National Council on Aging (NCOA). In setting down the definition of eligible adult day care centers, the conference agreement to the OAA Amendments of 1987 (as reported in the Congressional Record of November 9, 1987) begins: "The Conferees note that, as defined by the National Council on Aging, in association with the National Institute on Adult Daycare, 'adult day care' is...."

The purpose of adult day care, as defined by the NCOA, is to provide day care to frail and elderly adults to avoid premature institutionalization by allowing families a respite from caregiving. The NCOA, in its publication Developing Adult Day Care, states that adult day care provides frail and elderly adults "...a safe and supervised environment and an opportunity for group involvement and coordinated services directed toward stabilization or improvement of self-care...Adult day care, however, will not...dispel loneliness or provide medical care outside of scheduled adult day care attendance. It will not furnish better housing or additional income." Sheltered workshops, vocational or substance abuse rehabilitation centers, social centers or other types of centers do not qualify as adult day care centers for purposes of CCFP participation, since their primary purpose or services are other than to provide day care to frail and elderly adults to avoid premature institutionalization by allowing families a respite from caregiving.

Title XIX and Title XX

A private, for-profit adult day care center may participate in CCFP as proprietary Title XIX or proprietary Title XX centers if not less than 25 percent of their enrolled eligible participants are Title XIX or Title XX beneficiaries. A center receiving both Title XIX and Title XX funds must establish eligibility based on one source or the other. Title XIX and Title XX beneficiaries are individuals on whose behalf a center receives Title XIX or Title XX funds. Possession of a Medicaid identification card does not make an individual a Title XIX beneficiary for CCFP purposes. Enrollment documentation is necessary.

Once a proprietary Title XIX or a proprietary Title XX center has been found eligible to participate in CCFP, the center must continue to show that at least 25 percent of its enrollees are Title XIX or that 25 percent of its enrollees are Title XX beneficiaries for each month that the center receives CCFP reimbursement.

Enrollment

An "enrolled eligible participant" is an individual registered with a center to receive day care. The attendance status (full-time, part-time, permanent, temporary, regular or sporadic) of the individual is irrelevant. Any registered individual eligible for CCFP benefits (i.e., functionally impaired or 60 years of age or older) must be included in all enrollment counts for the purposes of determining CCFP eligibility and receipt of program reimbursement.

"Drop-in" adults who eat meals at the center but are not registered to receive care at the center are not "enrolled." Center volunteers, regardless of age, who help with the meal service or other center activities cannot be considered enrolled in the center for purposes of receiving CCFP reimbursement unless they are actually registered at the center with an individual plan of care and meet CCFP eligibility requirements.

If you have any questions on the above policies, do not hesitate to contact us.

*for Edward F. Campbell*  
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